IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

Bail Appl..No. 1883 of 2007()

CP.15/2007 of J.M.F.C.-II, KANNUR
CRIME NO.55/2002 OF IRRIKKUR POLICE STATION

.....

PETITIONER/(12TH ACCUSED)

MR.HABEEB, S/O.K.IBRAHIM,
CHULIYADU, IRRIKKUR, KANNUR DT.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

S.H.O.IRRIKKUR POLICE STATION,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1883/2007

Dated this 27th day of March, 2007

O R D E R

The petitioner, who is the twelfth accused in Crime No.55/2002 of Irrikkur Police Station for offences punishable under Sections 143, 147, 148, 449 and 302 IPC read with Section 149 IPC, seeks his enlargement on bail.

2. The petitioner was granted bail during the crime stage and thereafter, he was absconding. He did not appear before the Committal Court. At a stage when non bailable warrants of arrest were pending against him, he moved this Court for a direction to the Committal Magistrate to release him on bail. This Court directed the petitioner to appear before the Magistrate and seek regular bail. This Court also as per the order dated 13.3.2007 in Crl.M.C.No.673/2007, directed the Sessions Court to commit the case of the petitioner to the Sessions Court without much delay, so that the case could be tried along with the main case namely Sessions case No.1556/2005 pending before the Additional Sessions Court (Fast Track-III), with regard to the co-accused in the case.

3. Consequent on the surrender by the petitioner before the Magistrate on 20.3.2007, he was remanded to judicial

custody after dismissing his application for bail. The order of the Magistrate states that the case of the petitioner has also been committed to the Court of Sessions.

4. This is a case where the petitioner had fled from justice by jumping bail, after he was enlarged on bail during the crime stage. The Magistrate was also not convinced that the petitioner would be available for trial in case he was enlarged on bail. Under these circumstances, I am not inclined to grant bail to the petitioner. The Sessions Court, Thalassery shall ensure that the case of the petitioner is also brought and made over to Additional Sessions Court (Fast Track-III), Thalassery, to be tried along with S.C.No.1556/2005 expeditiously.

This application is accordingly dismissed.

V.RAMKUMAR,
JUDGE

mrcs